IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 11863 of 2004

Between:

Lunavath Babu, S/o Sri Ramojee,
R/o Mangoli Gudem, H/o Jamyaram Maripeda Mandal,
Warangal District

..... PETITIONER

AND

1 The Managing Director, Central Power Distribution Company of A.P
Vidyut Soudha, Khairatabad, Hyderabad
2 The Chief General Manager, Northern Power Distribution Company Ltd.
Warangal
3 The Superintending Engineer (Operation Circle), A.P.Central Power Distribution Company Ltd., Warangal
4 The Special Deputy Collector, Hanmakonda-1

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or orders more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not considering representation dated 19-05-2003 and 16-04-2004, pending on the file of the Chief General Manager, NPDCL, Warangal as arbitrary, illegal and consequently direct the respondents to absorb the petitioner into any suitable employment in the respondent department.

Counsel for the Petitioner:MR.ANDAPALLI SANJEEV KUMAR

Counsel for the Respondents 1 to 3: MR.S.RAVINDRANATH

The Court at the stage of admission made the following ORDER:

The present writ petition is filed for not considering the representations of the petitioner dated 19-05-2003 and
16-04-2004, which were filed before the second respondent-Chief General Manager, NPDCL, Warangal.

It is the case of the petitioner that he is working as H.V. Winder for sick distribution transformers in S.P.M/Warangal since May, 2001. His lands were acquired by the Government and the Government issued G.O.Ms.No.98, dated 15-04-1986 stating that the persons who lost their patta land shall be appointed either in power or irrigation department.

Sri A.Sanjeev Kumar, learned Counsel appearing for the petitioner contended that as the land of the petitioner was acquired by the Government, as per G.O.Ms.No.98, dated 15-04-1986 a suitable appointment equivalent to the Junior Assistants/Typists has to be given to him and that as he is working as an employee under the first respondent Corporation, he is entitled for absorption into the services of the Corporation under B.P.Ms.No.36, dated 18-05-1997. Hence, prays to consider the representations of the petitioner by the first respondent.

On the other hand, Mr.S.Ravindranath, learned counsel appearing for the respondents contended that the G.O.Ms.No.98, dated 15-04-1986 has no application to the case of the petitioner because it applies to the cadres in Major & Medium Irrigation and Power Projects, which are not under the control of the first respondent. B.P.Ms.No.36 (Board Proceedings), dated 18-05-1997 also has no application to the

case of the petitioner. Even according to the petitioner, he was alleged to have been working under the first respondent since May, 2001. Hence, there is no need to consider the representations of the petitioner.

An extent of Ac.1-24 guntas of dry land in Survey Nos.212 and 214 of Sudanpalli Village, Korivi Mandal, of the petitioner was acquired by the Government for the purpose of excavation of canals. The Government passed G.O.Ms.No.98, dated 15-04-1986, wherein it is stated that not more than 50% of the vacancies of the categories equivalent to Junior Assistants/Typists and the Cadres below arising in Major and Medium Irrigation & Power Projects shall be filled by the displaced families or their dependants of a respective project duly following the reservations for various categories viz., SC, ST, BC, Ex-Service Men, Physically Handicapped and Meritorious, Sportsman etc. The said G.O. has no application to the case of the petitioner since the Corporation has not undertaking the Major and Medium Irrigation and Power Projects. They seemed to have under the control of the Government. The second ground on which, the learned Counsel for the petitioner placed reliance is on B.P.Ms.No.36, dated

18-05-1997. One of the conditions required in the B.P.Ms.No.36, dated 18-05-1997 is that he must be an employee under the Corporation prior to 1997. Even according to the petitioner, he is working as H.V. Winder from May, 2001 and therefore, B.P.Ms.No.36 has no application to the case of the petitioner. If that is the case, he cannot have any claim to seek any appointment or absorption in the first respondent Corporation. So, viewed from any angle, the writ petition is devoid of merit and liable to be dismissed at the stage of admission.

The writ petition is accordingly dismissed. In the circumstances, no costs.

14th JULY, 2004.

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To

1 The Managing Director, Central Power Distribution Company of A.P
Vidyut Soudha, Khairatabad, Hyderabad
2 The Chief General Manager, Northern Power Distribution Company Ltd.
Warangal
3 The Superintending Engineer (Operation Circle), A.P.Central Power Distribution Company Ltd., Warangal
4 The Special Deputy Collector, Hanmakonda-1

5 Two CD copies.